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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,375	02/23/2004	Pal Takacsi-Nagy	BEAS-01389US1	8905
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FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER VO, TED T	
			ART UNIT	PAPER NUMBER
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			11/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/784,375

Applicant(s)

TAKACSI-NAGY, PAL

Examiner

Ted T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/24/07, 4/12/07, 8/24/07 (54), 8/24/07 (57)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the amendment filed on 08/13/2007.

Claims 50-70 are pending in the application.

Specification

2. The specification is objected to. The Brief of Drawings must include a brief description for each of figures in the Drawings.

Response to Arguments

3. Applicants' argument has been considered. It should be noted that using a particular programming such as Java extended with workflow constructs cannot be a patentable feature for the programming constructs that already available in workflow definition programming. Used Java in Workflow definition is only an intended use, and it also yields the same predictable results as other languages. Particularly, it is improper for using a registered programming language as for its own claiming feature.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 50-70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 50-70: Claims 50-70 use trademark/trade name as a limitation. See "Java programming language" recited in claims 50, 57, and 64; See "invoke by a Java application" recited in claims 51, 58, 65; and other claims that uses "Java" for identify a particular material for the claims themselves. A claim that uses trade name as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982).

Claims 50-56, 64-70: The claims recite "computer readable medium", including instructions stored thereon. There is no written description for this claimed subject matter. Accordingly, the claims are indefinite because "medium" used in the claims is unknown.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. The claims 64-70 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

Claims 64-70 recite "readable medium" but there is no writing description for this "medium" in the specification. It should be known that "air", "wireless transmission", and the like are readable media, but they are non-statutory claim subject matters. Accordingly, the claims cover these types of media, and fail to be statutory claims.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 50, 57, and 64 are rejected under 35 U.S.C. 102(a) as being anticipated by Muller, "Event-Oriented Dynamic Adaptation of Workflows" Model, Architecture, and Implementation". 2002

As per claims 50, 57, and 64: Muller discloses, a workflow definition tool for utilizing a workflow language (i.e. application programs and its application data used as an workflow engine for run-time (p. 5, and Figure 1-2)). Muller's tool creates a source file (i.e. a box "workflow definition") with workflow constructs to reference to the workflow language and workflow model (See Figure 1-2), which are acting as a workflow execution engine. The workflow language in general is a procedural language such as C++ or Java (p.28), or functional languages LIPS or logic language Prolog. Muller tool execution engine is focused on Procedural Languages.

A Workflow system of Muller discloses (depicting claim 50),

A system for utilizing a workflow language, comprising:

a computer including a processing device operating thereon (Every computer has a CPU/memory);

a source file stored on a computer readable medium (See Figure 1-2, p. 5, A Workflow Definition Tool generates Workflow Definition), ***wherein the source file includes a workflow definition created using***

a workflow language, wherein said workflow language comprises a Java programming language extended with a plurality of workflow constructs (See p. 2, "incorporating the process logic directly

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into the application program". See Figure 1-2, p. 5, An extent of the Workflow Definition to Application Program(s): The Application Program is invoked by Workflow Engine – The Workflow language comprises Java language (Sec. 2.3, p. 28)), ***including constructs for defining parallel processing of a workflow and separate workflow branches therein*** (See Figure 3-5, p. 63), ***and wherein the workflow definition further includes a construct to terminate the parallel processing of the workflow when certain conditions are met*** (See p. 12, Requirement 2, see p. 40, see p. 196, see Figure 5-14 and sec. 5.4.4.3, p. 141, etc); ***and means for creating a workflow program according to said workflow definition, including means for the computer to read the source file and process the plurality of workflow constructs to activate a workflow, including creating separate workflow processes corresponding to the separate workflow branches*** (See Figure 1, p. 5, Workflow Definition Tool), ***means for activating each of the separate workflow processes to subsequently generate activities at the computer as defined by each workflow branch*** (Figure 5-11, p. 130), ***and means for determining when the certain conditions specified in the source file have occurred and then terminating the parallel processing of the workflow*** (See Figure 5-14 and sec. 5.4.4.3).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claims 51-56, 58-63, 65-70 are rejected under 35 U.S.C. 103(a) as being unpatentable by Muller, "Event-Oriented Dynamic Adaptation of Workflows" Model, Architecture, and Implementation", in view of Peltz, "Web Service Orchestration", HP, 1-2003.

As per claim 51: Muller discloses the workflow definition invoked by Application program(s), for covering ***The system of claim 50, wherein the workflow definition is invoked by a Java application*** (See Figure 1-2, claiming ***a Java application*** reads on "Application Program").

Muller does not explicitly point out "Application Program(s)" as Java Application. Muller mentioned he focuses using procedural language such as C++/Java.

Peltz discloses "workflow definition is invoked using WSFL (See its "early work", p. 5), where WSFL includes Java (See its first paragraph, p. 11), or JavaDoc annotation tags (See its p. 10).

It is obvious to the ordinary in the art at the time to combine or include Application program(s) with Java Application because Java is an open source used by every developer for developing web and business applications. Furthermore, using Java Application in the Muller' Applications only yields the same and predictable results, and it is obvious for every ordinary in the art to include it in the teaching of Muller.

As per claim 52: Muller discloses workflow definition construct is provided with rules for covering ***The system of claim 50, wherein the plurality of workflow definition constructs are provided as XML commands*** (See p. 314, 5. rule definitions in the source file include XML –Integration).

Muller does not explicitly mention workflow definition constructs in the Figure 1-2, p. 5, are provided as XML commands.

Peltz discloses workflow definition files are used for web service (XML-Based Language), and constructs in the files are XML-commands (See its listings, e.g. p. 7, p.8, etc).

It is obvious to the ordinary in the art at the time to combine or provide XML-commands because XML is an open source used for Web-service. Furthermore, using XML-commands in a workflow definition file yields the same and predictable results, and it is obvious for every ordinary in the art to include it in the teaching of Muller for web purposes.

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As per claim 53: With regards to, ***The system of claim 50, further comprising a light-weight virtual machine at the computer that processes the workflow and that is enabled to, at a particular point in the workflow process, save the workflow's execution space including program stack and variable state, and, at a later point in time, revive the workflow at the same point in the workflow process using the saved program stack and variable state.***

It should be notice that virtual machine is only a browser using web-service. The Reference of Peltz discloses such of web service. It should be note that Java is a stack-based application program developed by Sun Microsystems,

Therefore, it is obvious to ordinary in the art for knowing that the further claim merely recites the rules, the techniques, and the principles, which have been already developed by others as requirement in the Web, and included in the process of workflows as of Muller or Paltz for conforming the requirements of the Web.

As per claim 54: With regards to,

The system of claim 50, wherein the source file is a Java Web Service file that includes the workflow definition constructs.

The workflows disclosed in Paltz is Java Web Service file.

As per claim 55: With regards to, ***The system of claim 54, wherein the Java Web Service file also references Java methods and variables for a software application running on the system and using the workflow.***

The workflows disclosed in Paltz is Java Web Service file using method and variables running on a computer system using workflow – For example see Figure 5, p. 10.

As per claim 56: With regards to, ***The system of claim 54, wherein workflow definitions are provided as a separate Java Work Flow file that includes workflow definition commands, and that are invoked by the Java Web Service file using the workflow definition constructs, to use the workflow as defined by the Java Work Flow file.***

The Workflow definition(s) in Muller figure 1-2 is provided as a separate Work Flow file that includes workflow definition commands, and that are invoked by the Applications program(s) using the workflow

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definition constructs in the files, to use the workflow as defined by the Application Program(s) as seen in Muller Figure 1-2,

It is obvious to the ordinary in the art to include separate Java Work Flow file as seen in the reference of Paltz because it yields predictable results.

As Per Claims 58-63, 65-70: The rejection of the claims are the same as of Claims 51-56, and refer to the rationale as addressed in the rejection of Claims 51-56 above.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

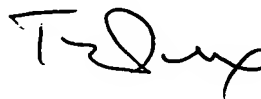
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

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Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV
October 26, 2007



TED VO
PRIMARY EXAMINER